



ANDY BESHEAR
GOVERNOR

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**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

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COMMISSIONER

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July 30, 2020

Re: 2021 Illegal Open Dump Cleanup Grant Program

Dear Judge or 109 Board Chair:

The Division of Waste Management (DWM) is pleased to announce funding for the cleanup of illegal open dumps. **Please be sure to read this letter and the attachments carefully and to fill out the application in its entirety.**

The grant period is 14 months: from January 1, 2021 until February 28, 2022. Grant funds may be spent during that period unless an extension has been requested by the county and approved by the cabinet.

- **Due to limitations in available grant funds, we will use a prioritization process, and it is likely that not all eligible grant requests will be awarded.** The prioritization process will rank all sites based on their location relative to sensitive receptors or protected areas (streams, wetlands, supply wells, etc.); the relative hazard posed by the contents of the dump; and the size of the dump.
- **In order to control costs and ensure that grant money is appropriately distributed, there will be an increased emphasis on making certain that illegal open dump cleanups are consistent in scope and scale across the state.** The Dump Grant Review Committee will compare cost estimates from each dump application to the information generated from the pre-inspection. If the cost estimate for a dump is considered inconsistent with the findings of the pre-inspection, the committee may require additional information, such as a work plan or a justification of proposed equipment and manpower costs. **In situations where cost estimates appear excessive, that grant request may either be denied, or the amount awarded reduced.**
- **Another point of emphasis with The Dump Grant Review Committee will be ensuring that each site is appropriate for the dump grant program, i.e., that the site either has no identifiable responsible party, or that the responsible party is not able to clean the site themselves.** To that end, the Committee may require that the county show they have taken reasonable steps to identify and pursue cleanup with the responsible party, or otherwise justify that the site is appropriate for an illegal open dump grant, before a grant application is considered.

- As in the past, we are allowing counties to clean dumps at their own expense *before* applying for grant funds and then apply for reimbursement of the actual costs, as long as the county 1.) Gets a pre-inspection before cleaning the dumpsite; 2.) Provides a cost estimate to DWM or requests that DWM personnel be on site during cleanup; and 3.) Gets a post-inspection to verify the dump was properly cleaned before submittal of the application. **Note that the application will be subject to the prioritization ranking, funding availability and other applicable criteria in the grant cycle in which the application is submitted, and that it is possible that not all eligible requests for reimbursement will be awarded.**
- In the event that the project budget is insufficient to complete the dump cleanup, the county is responsible for completing the cleanup and covering the cost difference at its own expense. If the county notifies and receives the concurrence of DWM on the presence of unexpected site conditions or volumes of waste that were not evident during the pre-inspection, the county then has the option to pursue a reimbursement grant in a later grant cycle. DWM may decline to award reimbursement grants for sites where it is not clear that unforeseen site conditions or volumes of waste were encountered, or due to limited funds in that grant cycle.
- An “illegal open dump,” as defined in 401 KAR 49:080, Section 1, means any facility or site for the disposal of solid waste that does not have a valid permit issued by the cabinet or does not meet the environmental performance standards established by the cabinet and is equal to or greater than two (2) consolidated cubic yards of solid waste.
- Applications for an Illegal Open Dump Cleanup Grant must be received by **4:30 p.m. EST on November 2, 2020**. Any application received after this date or any incomplete application, will not be considered for the grant program unless an extension has been requested by the county and approved by the cabinet. Applications must include the signed **application, Illegal Open Dump Grant Cleanup Agreement** and the two-page **Illegal Open Dump Grant Program Estimated Expense Worksheet (for each illegal open dump listed on the application)**.
- For FEMA rates for equipment, see Attachment D. For FEMA rates for equipment not listed on Attachment D, see www.fema.gov.
- Illegal open dumps must be pre-inspected by Division of Waste Management inspectors before you apply for an Illegal Open Dump Cleanup Grant. (Check with a DWM regional office inspector for a copy of the pre-inspection form.)
- A match of twenty-five (25%) percent of the grant amount, either in-kind or actual dollars, is required for individual dumps costing less than \$50,000. Note that the formula in the application that is used to calculate the “Grant Amount Requested” and County’s “Match Amount” has been changed from previous Open Dump Grant applications. Complete the form using the calculations in the application, which will result in a county match amount that equals 25% of the grant amount requested.
- Note that if the county’s projected cleanup cost for a dump on the Estimated Expense Worksheet is greater than \$50,000 and the cabinet does not initially impose a match requirement, but the Final Expense Worksheet shows that the actual cleanup cost is less than \$50,000, the cabinet may determine that the match requirement should not be waived and the county may be required to provide a match. If you have any questions about this, contact Lisa Evans at lisa.evans@ky.gov.

- **Note that only the actual, documented costs of remediation as itemized in detail on the Final Expense Worksheet are eligible for funding, even if a contract amount is higher. This is true even if cleanup was done by a contractor under a lump-sum bid – only the actual, documented costs of remediation as itemized in detail on the Contractor Cost Sheet (page 3 of the Final Expense Worksheet) are eligible for funding.**
- **Note that all forms attached below have been incorporated and are the required forms to use for this grant.**

If you wish to participate in the Illegal Open Dump Grant Cleanup Program, submit a completed Grant Application, Signed Grant Agreement and Illegal Open Dump Program Estimated Cost Estimate Worksheets by 4:30 p.m. EST on **November 2, 2020** via email to lisa.evans@ky.gov. **If you prefer to mail a hard copy, it can be submitted to:**

Lisa G. Evans, Grants Administrator
Recycling and Local Assistance Branch
Kentucky Division of Waste Management
300 Sower Boulevard
Frankfort, Kentucky 40601

We hope your county will avail itself of this opportunity to fund the cleanup of illegal open dumps. Please contact Lisa G. Evans at lisa.evans@ky.gov or me at gary.logsdon@ky.gov with any questions or concerns.

Sincerely,



Recoverable Signature

X A handwritten signature in black ink, appearing to read "Gary Logsdon".

Signed by: Gary Logsdon
Gary Logsdon, Manager
Recycling & Local Assistance Branch

c: County Solid Waste Coordinator

Attachments:

- Illegal Open Dump Cleanup Grant Application (Attachment A)
- Illegal Open Dump Cleanup Grant Agreement (Attachment B)
- FEMA Rates for Equipment (Attachment D)
- Illegal Open Dump Cleanup Grant Program Estimated Expense Worksheet
- Illegal Open Dump Cleanup Grant Program Final Expense Worksheet
- Risks and Recommended Precautions